

Dealing with this imbalance is urgent, and, indeed, some Commissioners would give priority to this over taking further steps to reduce the number of operationally deployed strategic nuclear weapons.

I agree. I thank the good chairman and ranking member for a very good dialogue on this particular issue.

I yield back my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4839.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea" and the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 60, as follows:

[Rollcall Vote No. 283 Ex.]

YEAS—32

Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Cornyn	LeMieux	Wicker
Crapo	McCain	

NAYS—60

Akaka	Feingold	McCaskill
Alexander	Feinstein	Menendez
Baucus	Franken	Merkley
Bayh	Gillibrand	Mikulski
Begich	Gregg	Murray
Bennet	Hagan	Nelson (NE)
Bennett	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown (OH)	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Stabenow
Conrad	Leahy	Tester
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	Lugar	Webb
Durbin	Manchin	Whitehouse

NOT VOTING—8

Bunning	Kirk	Voinovich
DeMint	Shaheen	Wyden
Isakson	Specter	

The amendment was rejected.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. REID. Mr. President, we are going to have one more vote today on a circuit judge. It is my understanding the district judge will go by voice.

Mr. President, tomorrow, we are going—first of all, tonight, anyone who wants to work on the START treaty, the managers of the bill, Senator KERRY and Senator LUGAR, have said they are here as long as people want to work on it. We are going to come in at 10 in the morning. We will work from 10 until 2 on the START treaty, and then a number of Senators want to have a closed session. We will do that in the Old Senate Chamber. The Chamber has already been cleared by the security folks, so we will start that at 2 o'clock and go as long as necessary. Then we will come back tomorrow evening and continue working on the START treaty.

We have very few things left to do. The Republican leader and I and our staffs have worked throughout the morning trying to come up with something on the CR. We are very close to being able to get that done, but it is not done. So we have the CR to do. The short-term runs out on Tuesday, so we have to have things done by then. We have this START treaty, and then, of course, we have the 9/11 health bill and the motion to reconsider. Senator LEVIN has been working on some other things, namely defense, on an agreement to get it done.

NOMINATION OF RAYMOND JOSEPH LOHIER, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Raymond Joseph Lohier, Jr., of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote, equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from Connecticut.

Mr. LEAHY. Mr. President, I yield my time to the senior Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, over the last few days, the Senate has finally begun to vote on judicial nominations that have been waiting on the Executive Calendar for months. There are currently three judicial emergency vacancies on the U.S. Court of Appeals for the Second Circuit and the Judiciary Committee has reported qualified nominees to fill each one.

With the consideration of Ray Lohier's nomination, the Senate will

finally fill one of those for the people of Vermont, Connecticut, and New York. For the past 13 years, Mr. Lohier has served as a Federal prosecutor in the U.S. Attorney's Office in the Southern District of New York and is currently special counsel to the U.S. attorney. He previously served as the chief and deputy chief of both the Securities and Commodities Task Force, which investigates and prosecutes offenses on Wall Street, and the narcotics unit.

He has the strong support of Senator GILLIBRAND and myself. The Judiciary Committee unanimously reported his nomination on May 13.

I urge confirmation of the nomination.

Mrs. GILLIBRAND. Mr. President, I am pleased to stand in support of Raymond J. Lohier, Jr., who is President Obama's nominee to serve on the U.S. Circuit Court of Appeals for the Second Circuit. Ray is a highly talented and accomplished New Yorker, and I applaud President Obama for this excellent choice.

Ray Lohier has dedicated his career to public service and protecting the rule of law. For nearly a decade, Ray has served with distinction as an assistant U.S. Attorney for the Southern District of New York, where he has been successfully involved in some of the Nation's most challenging and complex cases. He has led that office's efforts to prosecute securities fraud, commodities fraud, insider trading and Ponzi schemes. Notably, he served on the team that successfully prosecuted Bernard Madoff for a Ponzi scheme that defrauded billions of dollars from New Yorkers and individuals across the country. Prior to his service as an assistant U.S. attorney, Ray worked as a senior trial attorney in the Civil Rights Division of the U.S. Department of Justice.

In addition to his impressive professional career, Ray Lohier is actively involved in his community, serving on Brooklyn Community Board 6, where he is currently the first vice chairman and chairman of the Public Safety Committee. While he worked as an attorney in private practice in New York, Ray was a member of his firm's pro bono committee, while also serving the State of New York on the Gubernatorial Task Force on Judicial Diversity on the Bench and the Second Circuit Task Force on Gender, Racial and Ethnic Fairness in the Court, Subcommittee on Court Appointments. He has also been a member of the National Black Prosecutors Association.

Ray is a cum laude graduate of Harvard College and an alumnus of the New York University School of law, where he earned his juris doctorate and was awarded the Vanderbilt Medal. He also has served as editor-in-chief of the Annual Survey of American law.

In addition to all of these outstanding professional and educational accomplishments, he has been married for the past 10 years to his wife Donna,

a professor at CUNY Law School and former chair of the New York Asian Women's Center. Together they are raising two children, William who is 8 and John who is 6.

I am confident that given his extraordinary background of professional accomplishment, Ray Lohier will be an excellent addition to the U.S. Circuit Court for the Second Circuit. He was unanimously supported by the Judiciary Committee on May 13 of this year, and I urge all of my colleagues to support his confirmation.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, we yield back our time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Raymond Joseph Lohier, Jr., of New York, to be United States Circuit Judge for the Second Circuit?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea" and the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 284 Ex.]

YEAS—92

Akaka	Corker	Kohl
Alexander	Cornyn	Kyl
Barrasso	Crapo	Landrieu
Baucus	Dodd	Lautenberg
Bayh	Dorgan	Leahy
Begich	Durbin	LeMieux
Bennet	Ensign	Levin
Bennett	Enzi	Lieberman
Bingaman	Feingold	Lincoln
Bond	Feinstein	Lugar
Boxer	Franken	Manchin
Brown (MA)	Gillibrand	McCain
Brown (OH)	Graham	McCaskill
Brownback	Grassley	McConnell
Burr	Gregg	Menendez
Cantwell	Hagan	Merkley
Cardin	Harkin	Mikulski
Carper	Hatch	Murkowski
Casey	Hutchison	Murray
Chambliss	Inhofe	Nelson (NE)
Coburn	Inouye	Nelson (FL)
Cochran	Johanns	Pryor
Collins	Johnson	Reed
Conrad	Kerry	Reid
Coons	Klobuchar	Risch

Roberts
Rockefeller
Sanders
Schumer
Sessions
Shelby

Snowe
Stabenow
Tester
Thune
Udall (CO)
Udall (NM)

Vitter
Warner
Webb
Whitehouse
Wicker

NOT VOTING—8

Bunning
DeMint
Isakson

Kirk
Shaheen
Specter

Voinovich
Wyden

The nomination was confirmed.

NOMINATION OF CARLTON W. REEVES TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Carlton W. Reeves, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to support the President's nomination of Mr. Carlton Reeves to be a U.S. District Court Judge for the Southern District of Mississippi.

Mr. Reeves practices law in Jackson, MI. He received his undergraduate degree from Jackson State University and his law degree from the University of Virginia.

He has served as a clerk and staff attorney for the Mississippi Supreme Court, and as the chief of the Civil Division in the U.S. Attorney's Office for the Southern District of Mississippi.

Mr. Reeves has been actively involved with Mississippi Legal Services and other public interest organizations in our State which will serve him well as he takes on this important new responsibility.

Mr. President, I am pleased to recommend this nominee for confirmation by the Senate.

Mr. LEAHY. Mr. President, the Senate will finally vote on the nomination of Carlton W. Reeves to fill an emergency vacancy on the U.S. District Court for the Southern District of Mississippi. Currently a partner in a Jackson, MI, law firm, Mr. Reeves is a former Federal prosecutor. Both of his Republican home State Senators, Senator COCHRAN and Senator WICKER, introduced Mr. Reeves at his confirmation hearing, and they emphasized his outstanding reputation in the Jackson legal community, as well as the bipartisan nature of the Mississippi delegation's support for this fine nominee. The Judiciary Committee reported his nomination on August 5 with the support of all but 1 of its 19 members. That was more than 4 months ago. Senate consideration and confirmation of his nomination has been delayed for months with for no good reason. When he is finally confirmed, Mr. Reeves will become only the second African-American Federal district judge in Mississippi. He will fulfill the pledge made by President Bush that went unfilled.

After the confirmations today, there remain more than two dozen Federal

circuit and district court nominations favorably reported by the Judiciary Committee, most of the unanimously, also ready for consideration and a final vote. The practice used to be for the Senate to confirm and confirm consensus nominees within days of their being favorably considered by the Judiciary Committee, certainly those reported without opposition. No longer. Courtrooms are being kept vacant for months and months while justice is, at best, delayed.

During the first 2 years of the administration of President George W. Bush, a Democratic Senate majority proceeded to vote on 100 of his judicial nominations. That included controversial circuit court nominations reported during the lameduck session in 2002. In contrast, during this first Congress of President Obama's administration, the Senate has been allowed to consider just over 50 of the 80 nominations fully considered and reported favorably by the Judiciary Committee.

I congratulate Mr. Reeves and his family on his confirmation today. This day was a long time coming.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the nomination.

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MERKLEY). A motion to reconsider the vote to the nomination is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Massachusetts is recognized.

UNANIMOUS-CONSENT REQUEST—S. 2919

Mr. KERRY. Mr. President, I want to clarify this for my colleagues. There are a couple of items, and they will be done quickly in legislative session by unanimous consent. Then we will come right back to the procedure we had talked about previously. For the purpose of that consent, in legislative session, I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. In legislative session, I wish to make a unanimous consent request.

I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 2919, the Small Business Lending Enhancement Act, and the Senate proceed to its immediate consideration; that a Udall of Colorado substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.